



Reference: 40404

May 28, 2024

VIA EMAIL: bccattle@cattlemen.bc.ca

Brian Thomas, President
British Columbia Cattlemen's Association
4 - 10145 Dallas Drive
Kamloops, BC V2C 6T4

Dear Brian Thomas:

Thank you for your letter of February 23, 2024, regarding the proposed amendments to the *Land Act* and joint decision making. I appreciate your contributions and engagement regarding the proposed amendments. I am committed to engaging deeply on government's proposal and to listening to British Columbians.

Additionally, I would like to thank you for meeting with me on May 14, 2024, in Victoria to discuss drought, watershed security, and concerns related to recreational activities on the land. I always value our candid and constructive conversations.

As you know from the announcement on February 21, 2024, the proposed amendments are not proceeding. This decision is based on feedback from many parties that we take time to demonstrate the benefits of shared decision-making before enabling such provisions in the *Land Act*.

There are several related issues that require thought and analysis, to ensure alignment with our goals and the goals of First Nations. The government also needs to facilitate a clear understanding of the UN Declaration on the Rights of Indigenous Peoples, outlining its provisions and limitations. With respect to your specific questions, I provide some thoughts below, recognizing that some questions you raise are addressed through the negotiation of agreements on specific topics.

Government wants sustainable economic growth because it benefits people and communities across the province. We are committed to growing our economy so that we can provide the services that all British Columbians depend on. First Nation governments are telling us they want the same thing.

Page 1 of 3

We have found ourselves in ongoing cycles of conflict and court challenges. If we continue with this status quo, then litigation and conflict will continue to be major sources of uncertainty for all of us. Enabling new approaches can help move us towards respectful partnerships that foster predictability, good jobs, and opportunities.

Co-management reflects a transition from a transactional to a transformational approach. A transactional, project-by-project approach can create uncertainty, risks, and challenges. Working together through clear, transparent processes – which are responsive to a broad set of interests – can create a better environment for how decisions are made and resources on the land base are managed.

In balancing the interests of First Nations and the public, the Province needs to listen to all British Columbians and ensure that interest holders have a voice at the table. This diverse group includes First Nations interested parties, tenure holders and the public. We remain committed to negotiating in the best interest of the public good.

Under the Declaration Act, the Province must make a decision to mandate a negotiation of any joint or consent-based decision-making agreement, which considers whether the negotiation is in the broader public interest.

Should negotiations proceed, the Province has been clear that decision-making processes are consistent with administrative law principles, including fairness, transparency, and the right to be heard. In the context of the *Land Act*, this is supported through public engagement with the Applications, Comments and Reasons for Decision website. Conflict of interest in decision-making is a concern and existing Declaration Act agreements include provisions that mitigate these risks.

Decision making involves documenting application information, including how it impacted the decision. Decision makers may seek additional information for a better understanding of risks or mitigation; engage with interest holders and other federal, provincial and local governments to understand their interests; and consult with First Nations, who have rights and interests on the land in question. The reasons for decision are then publicly posted, which helps ensure transparency.

Currently, regional staff make well-considered and complex decisions, balancing social, environmental, and economic factors. As new issues arise for British Columbians, we adapt our processes and procedures accordingly, mindful of our commitments to reconciliation with our First Nation partners.

Moving forward, our priority is to keep working with all our partners to demonstrate how shared decision making creates benefits for everyone. Although there are no immediate plans to develop an industry discussion table, we will reach out to the Cattlemen's Association if such an initiative is planned. Reconciliation is about working together for stability and opportunity for all British Columbians.

Brian Thomas, British Columbia Cattlemen's Association

Again, thank you for writing and sharing your concerns.

Sincerely,

A handwritten signature in black ink that reads "Nathan Cullen". The signature is written in a cursive style with a large initial "N" and a long, sweeping underline.

Nathan Cullen
Minister